

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NICHOLAS BERNHARD, RALPH NATALE,  
KIRK CONAWAY, and ROY KOHN as  
TRUSTEES OF HEALTH FUND 917 AND THE  
LOCAL 917 PENSION FUND,

ECF Filing

**CERTIFICATION OF  
SUSAN BRUNO, ESQ.  
10-CV-596 (ADS)(ETB)**

Plaintiffs,

- against -

CENTRAL PARKING SYSTEM OF NEW YORK, INC.  
and JOHN DOE,

Defendants.  
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Susan Bruno, Esq., declares under penalty of perjury pursuant to 28 U.S.C. 1746 that the following is true and correct:

1. I am a member of the bar of this Court and an associate with the Law Offices of Campbell & Associates, P.C., attorneys for Plaintiffs in this action. I am fully familiar with the facts of this action, and the facts set forth in this Certification, which is submitted in support of Plaintiffs' motion to Amend its Pleadings to substitute Sonya Mitchell for "John Doe" as a party defendant.
2. Plaintiffs initiated this action in this Court pursuant to sections 404, 406, 502 and 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1104, 1106, 1132 and 1145, to compel Defendants to pay contributions due to Health Fund 917 and the Local 917 Pension Fund (the "Funds") that were identified during a payroll inspection (audit), of Central Parking System of New York, Inc.'s ("Central's") payroll and related records.
3. During the deposition of Sonya Mitchell, Central's payroll manager, Plaintiffs learned that Ms. Mitchell is the person invested by Central with discretion and control over payment of the delinquent contributions and the person who determined not to pay the amounts at issue in this case. Therefore, she is the person against whom the "John Doe" claims are asserted. *See, Deposition Transcript pages, Exhibit "A" hereto.*
4. Although Plaintiffs and the Fund auditor have been dealing with Ms. Mitchell on the claims since the audit was initiated, they were not aware that Ms. Mitchell had been afforded final authority to determine payment of the amounts claimed until she so testified during her deposition. Emmons Cert. at ¶ 8.

5. Plaintiffs respectfully request permission to amend the complaint, pursuant to FRCP 15, to replace "John Doe" with Ms. Mitchell. Such amendment would aid Plaintiffs in presenting the merits of their case and will not prejudice Defendants or Ms. Mitchell since Ms. Mitchell has been involved with the audit, the claims herein, and this legal action at all relevant times.

Date: Floral Park, New York  
November 29, 2011

LAW OFFICES OF CAMPBELL  
& ASSOCIATES, P.C.

By: \_\_\_\_\_ /s/ Susan Bruno  
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